

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, October 18, 2017**

5 **5:00 p.m.**

6 **Cottonwood Heights City Council Room**

7 **2277 East Bengal Boulevard**

8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Members Present:** Allen Orr, Chris Coutts, Joseph Demma, Graig Griffin, Alternate Bob
13 Wilde
14

15 **Staff Present:** Community Development Director Brian Berndt, Senior Planner Michael
16 Johnson, Planner Andrew Hulka, City Attorney Shane Topham, City
17 Recorder Paula Melgar, Planning Intern Ellen Xanthos
18

19 **Absent:** Chair Craig Bevan, Jesse Allen, Sue Ryser
20

21 **WORK SESSION**

22
23 **1.0 Review Business Meeting Agenda.**
24

25 Due to Chair Craig Bevan's absence, Commissioner Allen Orr, assumed the Chair and called the
26 meeting to order at 5:00 p.m.
27

28 Community Development Director, Brian Berndt, reviewed each of the agenda items. With regard
29 to agenda item 3.1, Mr. Berndt explained that it is a City-initiated proposal to amend the text of
30 Chapter 19.51 of the City Ordinance (Planned Development District), which will increase the size
31 of the PDD Map. He explained that when the PDD was developed, the Fort Union Study had just
32 been completed. It was discovered that the City's zoning ordinance did not accommodate some
33 of the ideals of the Master Plan. Mr. Berndt stated that staff worked on a zoning ordinance that
34 would help facilitate some of the changes in the redevelopment of certain properties.
35

36 The Commission reviewed the current PDD Map. Mr. Berndt explained that the PDD map covers
37 all of Fort Union Boulevard, the gravel pit, and the Old Mill site. The proposed PDD Map is
38 divided into three tiers. He described the various tiers, which each have a different development
39 standard. It was noted that Tier 1 was the least restrictive. Mr. Berndt stated that the proposed
40 amendment also protects the small single-family residential neighborhood near the proposed
41 expansion of PDD zone map. Staff had not received any comments regarding the project, and
42 none were expected until an application is filed.
43

44 There was discussion regarding a recommendation from the City Council to have neighborhood
45 meetings and a chance to get feedback from the public before a public hearing is held. The
46 Commission asked staff to describe the benefits of the proposed amendment at tonight's public

1 hearing. Mr. Berndt explained that one of the reasons for staff recommending the proposed change
2 was because it is one of the few Code provisions that allows for a similar type of use to be included
3 in the PDD, such as the existing four-story apartment building. There are also built-in parameters
4 and protections that allow for flexibility. A question was raised about whether there had been any
5 PDD applications submitted. Mr. Berndt reported that there was one concept plan filed but it did
6 not develop beyond that.

7
8 The Commission discussed Action Item 4.1. Mr. Berndt described the project and reminded the
9 Commission that the public hearing was held two weeks prior and the matter was scheduled for
10 action tonight. Until this year, the property operated as used as a Montessori School. The current
11 zoning is R-1-8 and the applicants desire to rezone it Mixed Use. The staff report states that the
12 request is in harmony with the Land Use Plan as well as the Fort Union Plan and recommended
13 approval.

14
15 There was general discussion among the Commission about the prior school use. Staff conducted
16 research regarding possible uses that could be allowed on the property if the rezone is approved.
17 With the limited parking on the property, the size (.2-acre), and split-level design, it was thought
18 that it could house a medical office. The site was not thought to be an ideal place for retail, a
19 convenience store, or a restaurant. The Commission discussed other potential zoning for the
20 property such as Mixed Use or Neighborhood Commercial.

21
22 Commissioner Coutts was asked if she thought the request fits in with the neighborhood. She
23 responded that the question should be not if, but when, the property should be rezoned. There was
24 discussion regarding when the property should be rezoned as well as other recent zone changes to
25 surrounding properties. Commissioner Wilde was in favor of the change because the property was
26 a commercial use prior to this application. The Commissioners focused their discussion on the
27 single-family home that is currently on the property and this specific application. Mr. Berndt
28 reminded the Commission that the zone change would allow for a land use change with long-term
29 implications. There was discussion regarding setbacks and the neighboring residences.

30
31 Chair Orr discussed Commission procedures. He reported that there are five Commissioners
32 present and four votes are necessary for a motion to pass. Chair Orr stated that he would vote only
33 in the event of a tie.

34
35 The Commission discussed agenda Item 4.2, which involves the City-initiated text amendment to
36 Chapter 19.82 of the City Code, which regulates the electronic signs for public facilities (PF
37 Zones). Mr. Berndt explained that the request was from the City Council to make the signs more
38 practical and readable. He reported that the ordinance was put in place last December. The
39 Commission discussed the existing Code, which limits monument signs to a maximum size of 36
40 square feet, with a maximum height limit of 6 feet. This does not limit the electronic screen itself.
41 Mr. Berndt explained that the proposed ordinance increases the size to 64 total square feet, with
42 an 8-foot height limitation. It limits the total area that can be electronic to 50% of the total sign
43 area.

44
45 Staff presented images of what the signs will look like and discussed existing signs that are similar.
46 It was noted that the proposed change will help limit light pollution. There was discussion about

1 the Butler Elementary School electronic sign. A comment was made that the draft ordinance needs
2 more work. It was mentioned that it is important to take into account the type of street on which
3 the electronic sign will be placed, such as residential or business.

4
5 It was suggested that staff and possibly the Planning Commission Chair attend City Council
6 Meetings to share background and information with the Council. City Attorney, Shane Topham,
7 suggested that the applicant be allowed to speak for more than three minutes. He felt that doing
8 so better serves the public by allowing the applicant to use modern media to present their projects,
9 rather than staff presenting it. A comment was made that the current format seems to put the City
10 at a disadvantage. It was noted that the proposed change will put the onus on the applicant to
11 prove why the project best serves the City. It was suggested that staff prepare a handout for the
12 public regarding proper procedures and protocols when speaking before the Planning Commission
13 or City Council. As part of the procedures for the public, there was discussion regarding how
14 much time would be allowed for each speaker as well as how long one person representing a group
15 should be allowed to speak. It was determined that the Commission would continue to discuss the
16 public protocols at the next Work Meeting.

17
18 Mr. Berndt reminded the Commission that the next public meeting on the Accessory Dwelling
19 Units (ADU) Amendment will be held November 1, 2017. A Town Hall Meeting regarding ADUs
20 was scheduled for November 16, 2017 at 6:30 p.m.

21 22 **2.0 Additional Discussion Items.**

23
24 The Work Session adjourned at 5:55 p.m.

25 26 **BUSINESS MEETING**

27 28 **1.0 WELCOME/ACKNOWLEDGEMENTS**

29
30 In the absence of Chair Craig Bevan, Allen Orr assumed the Chair. He called the meeting to order
31 at 6:00 p.m. and welcomed those present.

32 33 **2.0 CITIZEN COMMENTS**

34
35 Lynn Kraus spoke regarding the Work Meeting. She was concerned that in a recent meeting the
36 City Council did not actually listen to the Planning Commission public hearing. She appreciated
37 the Planning Commission and believed the public generally feels they are being heard by the
38 Commission. She stated that if an applicant gets more time to speak when presenting their project,
39 the public should be heard as well. She spoke specifically about Project ZTZ-17-004, the request
40 from David and Rosalyn Nichols for a Zone Map amendment to property located at 3422 East Fort
41 Union Boulevard (Parcel # 22-26-230-007). She stated that this area has a very different feel than
42 the rest of Fort Union Boulevard. She suggested the Commission visit the site and encouraged
43 them to explore the possibility of changing the zoning to Neighborhood Commercial rather than
44 Mixed Use in that specific area because it is more residential in nature.

1 **3.0 PUBLIC HEARINGS**

2
3 **3.1 (Project #ZTA-17-006) Public Comment on a City-Initiated Proposal to Amend**
4 **Chapter 19.51 (Planned Development District) of the City's Zoning Ordinance.**
5

6 Community Development Director, Brian Berndt, presented the staff report and stated that the
7 request was to amend the map and not the text of the ordinance. He described the PDD Tier System
8 and reviewed the maps provided. He stated that each tier is intended to allow for creativity and
9 flexibility for applicants to use their property in a unique way. Each of the tiers has a different
10 intensity. Mr. Berndt explained that the proposed change expands which properties qualify for a
11 PDD application on the map; however, the developer must still submit an application.
12

13 Chair Orr opened the public hearing.
14

15 Nancy Hardy stated that she received the packet of materials for the project after she requested
16 them by email from City Planner, Michael Johnson. She commented that it is difficult to find the
17 packet on the website. She was concerned that she only had one day to review the materials before
18 written public comments were due and before the public hearing. She suggested that written
19 comments be accepted until after the public hearing.
20

21 Lynn Kraus reiterated Nancy Hardy's comments and stated that she mentioned this to the
22 Commission four months earlier.
23

24 Chair Orr asked for input with respect to continuing the public hearing so that the public has time
25 to review the materials. Commissioner Griffin did not think additional time was necessary.
26 Commissioners Demma and Wilde agreed. Chair Orr suggested closing the public hearing, but
27 Commissioner Coutts was opposed. She stated that postponing action would not result in a project
28 being delayed and saw no reason not to continue the public hearing. It was suggested that
29 generally, written public comments can be accepted until the Friday before the meeting on which
30 action is scheduled. There was discussion about extending public hearings to two meetings, or
31 adding a notice at the bottom of the agenda announcing that written public comments will be
32 accepted at a later date.
33

34 Messrs. Berndt and Topham described the procedures for publishing the agenda and materials and
35 stated that they consistently advertise meetings pursuant to State law. Mr. Topham stated that this
36 particular packet did not go out with the agenda, but it usually does.
37

38 There were no further public comments. Chair Orr closed the public hearing.
39

40 **4.0 ACTION ITEMS**
41

42 **4.1 (Project #ZMA-17-004) Action on a Request from David and Rosalyn Nichols for a**
43 **Zone Map Amendment to the Property Located at 3422 East Fort Union Boulevard**
44 **(Parcel #22-26-230-007).**
45

1 *Commissioner Wilde moved to recommend approval to the City Council of Project #ZMA-17-*
2 *004, a request from David and Rosalyn Nichols for a Zone Map Amendment to property located*
3 *at 3244 East Fort Union Boulevard (Parcel #22-26-230-007). The motion was seconded by*
4 *Commissioner Griffin.*

5
6 Commissioner Wilde stated that there is no indication that the project will have a negative impact
7 on surrounding property and stated that it was a commercial use prior to this application. He
8 commented that what is proposed is the highest and best use of the property. Commissioner Coutts
9 agreed and added that the request is consistent with the City's plan moving forward.

10
11 Commissioner Griffin commented that the amendment makes sense because it allows the applicant
12 to keep the existing structure and gives the City a better idea of how the property will be developed.
13 City Planner, Andrew Hulka, reviewed the setback requirements, which build in a buffer from
14 residential areas.

15
16 *Vote on motion: Bob Wilde-Aye, Chris Coutts-Aye, Craig Griffin-Aye, Joseph Demma-Aye,*
17 *Chair Allen Orr-Abstain. The motion passed unanimously with one abstention.*

18
19 **4.2 (Project #ZTA-17-005) Action on a City-Initiated Proposal to Amend Chapter 19.82**
20 **(Signs) of the City's Zoning Ordinance.**

21
22 Commissioner Coutts commented that the original sign ordinance is only about one year old and
23 was thoughtfully written. Commissioner Griffin saw no compelling reason to change the
24 ordinance and hoped the ordinance wasn't too expansive.

25
26 *Commissioner Coutts moved to forward a negative recommendation to the City Council to*
27 *amend Chapter 19.82 (Signs) of the City's zoning ordinance, Project #ZTA-17-005, as initiated*
28 *by the City. The motion was seconded by Commission Demma. Vote on motion: Bob Wilde-*
29 *Aye, Chris Coutts-Aye, Craig Griffin-Aye, Joseph Demma-Aye, Chair Allen Orr-Abstain. The*
30 *motion passed unanimously with one abstention.*

31
32 **4.3 Approval of Minutes for October 4, 2017.**

33
34 *Commissioner Coutts moved to approve the minutes of October 4, 2017, subject to the*
35 *recommended edit forwarded to staff. Commissioner Wilde seconded the motion. Vote on*
36 *motion: Bob Wilde-Aye, Chris Coutts-Aye, Craig Griffin-Aye, Joseph Demma-Aye, Chair Allen*
37 *Orr-Abstain. The motion passed unanimously with one abstention.*

38
39 **5.0 ADJOURNMENT**

40
41 *Commissioner Demma moved to adjourn. Commissioner Coutts seconded the motion. The*
42 *motion passed with the unanimous consent of the Commission.*

43
44 The Planning Commission Meeting adjourned at 6:31p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Planning Commission Meeting held Wednesday, October 18, 2017.*
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8
9

10 Teri Forbes

11 T Forbes Group

12 Minutes Secretary

13
14 Minutes approved: January 3, 2018